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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,281	11/12/2003	Steven Stewart Ibara	WindRein	9319

7590 10/20/2005
Elisa Jones
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San Jose, CA 95125-1841

EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,281

Applicant(s)

IBARA ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the **Final Office Action** for application number 10/712,281 Page Holder Enabling Unencumbered Manual Page Turning, filed on 11/12/03. Claims 1-20 are pending. This **Final Office Action** is in response to applicant's reply dated 8/15/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "spring biased reel" of claims 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Claims 1, 3, 4, 10, 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5377946 to Pannu.

The patent to Pannu discloses a book holder applied directly to a book having a reading support (24) and a self-retracting reel that is a tensioning mechanism (Spring, with a certain K constant will set a predetermined strength for the reel) set at a predetermined strength being sufficiently strong to retain pages in an open position yet sufficiently light to enable page turning, a plurality of gripping members (housing of 94 and 97) and a retaining line (92) of a predetermined length, the tensioning mechanism being attached to a gripping member and the line being attached to the tensioning mechanism so that the tensioning mechanism feeds and retracts additional line as the page is turned. (See Col. 4 lines 63-68 for operation).

Pannu also teaches the method of providing a page holder, providing a support for reading matter and placing reading matter on the support and attaching gripping

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members to opposed edges of the support and extending the line across the reading matter,

Claim Rejections - 35 USC § 103

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu as applied to claim 1 and 11 above, and in view of United States Patent No. 5855329 to Pagano.

Pannu discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the gripping members are clamps.

Pagano teaches a book holder (10) with a book support and retention device (28), which has clamping gripping members (35) attached to the support, which are used in order to clamp the book cover in place, to further secure the book to the holder.

used for retracting a line into the reel (22), the method being inherent from the structure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Pagano to have used clamps as gripping members in order to further secure the book to the holder.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu as applied to claims 1, 3, 11 and 13 above, and in view of United States Patent No. 4826099 to Johnson.

Pannu discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the reel is biased by an elastic band nor the method wherein the reel is biased by an elastic band.

Johnson shows a self retracting reel (22) which is biased by an elastic band (26), used for retracting a line into the reel (22), the method being inherent from the structure. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Johnson to have used an elastic band to bias the reel, in order to retract the line into the reel.

Claims 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu as applied to claims 1, 3, 11 and 13 above, and in view of United States Patent No. 6375165 to Sherratt et al.

Pannu discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show a tension adjustment control on the reel so that the tension ranges can be between 0.05 N to 0.6 N.

Sherratt et al. shows a winding mechanism with a tension adjustment control (68), used for adjusting the tension of the material wrapped around the reel (20) of the winding mechanism. Sherratt et al. does not disclose the specific tension range of .05N to .6N, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have this range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. See In re Aller, 105 USPQ 233.

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Therefore, both limitations would have been obvious to one having ordinary skill in the art at the time of the invention in order to adjust and control the tension of the line as taught by Sherratt et al. in order to control the tension of the line in Pannu.

Claims 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu as applied to claims 1, 8, 11 and 18 above, and in view of United States Patent Publication No. 2004/0076825 A1 to Hashimoto et al.

Pannu discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the retaining line is a monofilament made from polyvinylidene fluoride or the method of providing the monofilament of polyvinylidene fluoride.

Hashimoto et al. discloses lines made of monofilaments that are polyvinylidene fluoride commonly termed PVDF, used for its resistance to deterioration in the mechanical properties. The method is inherent from the structural teachings in Hashimoto et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hashimoto et al. to have used this material and to have the method of using this material, in order to prevent deterioration of the mechanical properties of the line.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5377946 to Pannu as applied to claim 1 above, and in view of United States Patent No. 3813075 to Capper.

Pannu discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the device is a clipboard.

Capper shows a book holding device, that is a clipboard, (at 23) used to hold a book or loose pages in place. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Capper to have made the book holding device as a clipboard to hold a book or loose pages in place.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

AJS 
Amy J. Sterling
10/13/05

 10/17/05
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600